

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE  
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

Item #3      Minor Parent Regulations

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held May 21, 2003 as follows:

May 21, 2003  
State Office Building #9  
744 P Street, Auditorium  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The CDSS will adjourn the hearings immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify CDSS at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by telefax to the address/number listed below. All comments must be received by 5:00 p.m. on May 21, 2003.

The CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice and the proposed regulations are also available online at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Anthony J. Velasquez, Chief, Office of Regulations Development, California Department of Social Services, 744 P Street, MS 7-192, Sacramento, California 95814

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CHAPTERS

Title 22, Division 6, Chapter 5 (Group Homes), Sections 84001 (Definitions), 84065.2 (Personnel Duties), 84065.5 (Staff/Child Ratios), and 84065.7 (Night Supervision); and Chapter 5 (Group Homes) Subchapter 2 (Care for Children Under the Age of Six Years), Sections 84200 (General), 84201 (Definitions), 84222 (Plan of Operation), 84265 (Personnel Requirements), 84265.1 (Personnel Duties), 84268.1 (Intake Procedures), 84268.3 (Modifications to Needs and Services Plan), 84272 (Personal Rights), 84272.1 (Discipline Policies and Procedures), 84274 (Transportation), 84275 (Health-Related Services), 84276 (Food Service), 84277 (Personal Services), 84278 (Responsibility for Providing Care and Supervision), 84278.1 (Sanitation Requirements), 84279 (Planned Activities), 84287 (Buildings and Grounds), and 84287.2 (Outdoor Activity Space).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These regulations implement Assembly Bill (AB) 2773, (Chapter 1056, Statutes of 1998), which added Sections 1530.8(a)(2) and (d)(1) through (4) to the Health and Safety Code. These additions require the California Department of Social Services (CDSS) to adopt regulations regarding minor parent and infant programs that serve children who meet all the following characteristics:

- Are younger than six years of age.
- Are dependents of the court, nondependents, voluntary and/or regional center placements.
- Reside in a group home with their minor parents.
- Have a primary caregiver who is the minor parent.

As required by the statute, CDSS consulted with representatives from a public interest law firm specializing in children's issues and with provider organizations, using national standards as guidelines.

The CDSS initially developed minor parent regulations in 1999, (ORD #0999-18). Based on concerns raised during the public hearing, primarily by the California Alliance of Children and Family Services (CACFS), the CDSS withdrew the proposed regulations with the concurrence of CACFS.

The CDSS met with CACFS to discuss their concerns and offer alternative approaches. Proposed regulations were revised with the providers' main issues in mind. Regulations were revised only in areas where the health and safety of children in care were not jeopardized.

Current regulations apply particular standards to all group homes that accept children younger than six years, whether or not accompanied by a minor parent who is the primary caretaker. The current regulations have requirements for the care of the under six child that are unnecessary when the minor parent is caring for the child. Implementation of the proposed regulations will address this issue by establishing standards appropriate to an under six child cared for by the minor parent.

These regulations are intended to allow and encourage the development of parenting skills through hands-on experience as the primary care providers so that young parents may develop the skills to ensure their children's healthy growth and development.

COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts: None
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

#### LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

#### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that the proposed regulations will affect small businesses.

#### ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

CDSS has determined that no reasonable alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons than the proposed action.

#### AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 1530 and 1530.8 of the Welfare and Institutions Code. Subject regulations implement and make specific Sections 1522.4, 1530.8, and 1596.866 of the Health and Safety Code; Section 11467.1 of the Welfare and Institutions Code; and the Child Welfare League of America Standard of Excellence for Services for Adolescent Pregnancy Prevention, Pregnant Adolescents, and Young Parents.

#### CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED

REGULATION

Contact Person: Anthony J. Velasquez (916) 657-2586

Backup: Steve Smalley (916) 657-2586

CDSS REPRESENTATIVE REGARDING SUBSTANCE OF THE PROPOSED REGULATION

Program Contact: Fernando Sandoval (916) 322-5507

Backup: Connie Fanos (916) 324-4318

AGENDA ITEMS FOR THIS PUBLIC HEARING – May 21, 2003

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|----------|--------------|--|
| ITEM # 1 | ORD #1202-31 | CalWORKs Senior Parent/Minor Parent Cases - Income Availability Change |
| ITEM # 2 | ORD #1202-26 | Food Stamp Reauthorization Act of 2002                                 |
| ITEM # 3 | ORD #0103-02 | Minor Parent Regulations   |